

UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Ruediger Eiermann et al.
Application Number: 10/574,714
Filing Date: 03/05/2007
Group Art Unit: 1711
Examiner: Jason Paul Riggleman
Title: DISHWASHER COMPRISING A DRYING APPARATUS

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

Pursuant to 37 CFR 41.41, Appellants hereby file a Reply Brief in the above-identified application.

STATUS OF CLAIMS

Claims 12-22 are pending in the application and are the basis for the appeal. Claims 1-11 were canceled in the April 5, 2006 Preliminary Amendment. Claim 12 is independent.

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

- (a) Whether claims 12-15 and 17-22 are anticipated under 35 U.S.C. §102(b) by Deiss et al. (French Patent Publication No. FR2491322).
- (b) Whether claim 16 is unpatentable under 35 U.S.C. § 103(a) over Deiss et al. '322 in view of Deiss et al. (French Patent Publication No. FR2491319).

REPLY ARGUMENT

The present invention includes a feature as recited in claim 13 where “the condensing surface is in heat-conducting contact with an outer wall of the dishwasher.” In his manner, as soon as the air from the washing container is conveyed by the fan through the conveying section of the drying device, the flexible wall of the conveying section constructed as a condensing surface is in contact with the outer wall of the dishwasher.

The Response to Arguments states that the term "heat-conducting contact" is broad and vague and that it does not necessitate a direct physical contact, only that heat is conducted from one element to the other in some way. As such, the grounds of rejection state that even an air gap would conduct heat (absent any thermal insulator). Appellants note, as required by MPEP § 2111, the claims must be given their broadest reasonable interpretation consistent with the specification. The Federal Circuit elaborated on this standard by requiring that the broadest reasonable interpretation must be “in light of the specification as it would be interpreted by one of ordinary skill in the art” per *In re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d 1359, 1364 (Fed. Cir. 2004). In the present case, the present specification describes the condensing surface in the present specification from page 3, line 25 to page 4, line 5. In the present invention, in order to ensure a direct connection between the condensing surface and the outer wall of the dishwasher without an interposed air gap and therefore good heat conduction to the housing of the dishwasher, the condensing surface is preferably made of a

flexible material. As such, this description would not lead to the broad assertion in the Response to Arguments regarding an air gap.

CONCLUSION

In view of the foregoing discussion, Appellants respectfully request reversal of the Examiner's rejections.

Respectfully submitted,

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